

Exhibit G

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division In Admiralty
CIVIL ACTION NO. 2:24-cv-00490

In the Matter of COEYMAN'S MARINE TOWING, LLC d/b/a CARVER MARINE TOWING as Owner and Operator of M/T MACKENZIE ROSE, (IMO No. 8968765), her cargo, engines, boilers, tackle, equipment, apparel, and appurtenances, etc., IN REM, ("M/T MACKENZIE ROSE"), petitioning for Exoneration from or Limitation of Liability in allision with Norfolk and Portsmouth

Belt Line Railroad Company Main Line Railroad Bridge (the "Bridge") occurring June 15, 2024 in and about the Elizabeth River, Virginia.

TRANSCRIPT of the stenographic notes of the videotaped deposition of Brian Moore in the above-entitled matter, as taken by and before LORRAINE B. ABATE, a Certified Shorthand Reporter and Notary Public of the State of New York, and Registered Professional Reporter, held at the offices of Clyde & Co., 405 Lexington Avenue, New York, New York, on April 28, 2025, commencing at 10:44 a.m., pursuant to Notice.

Job No. 112213

BRIAN MOORE

April 28, 2025

1 A P P E A R A N C E S:

2

3 CRENshaw, WARE & MARTIN, PLC
4 Attorneys for Norfolk and Portsmouth
Belt Line Railroad Company
5 150 West Main Street, Suite 1500
Norfolk, Virginia 23510
6 BY: JAMES L. CHAPMAN IV, ESQ.
(757)623-3000
jchapman@cwm-law.com

7

8

9 CLYDE & CO. ESQS.
10 Attorneys for Coeymans Marine Towing,
LLC, d/b/a Carver Marine Towing
11 405 Lexington Avenue
New York, New York 10174
12 BY: JAMES RODGERS, ESQ.
(212)702-6771
james.rodgers@clydeco.us

13

14

15 A L S O P R E S E N T:

16 Ingrid Contreras, Videographer

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BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025

2 So just what are your duties now?

3 A. Sure. I oversee the day-to-day
4 operations of Carver Marine Towing, working with my
5 team that I have here in place to ensure that the
6 daily activities are done, that the regulations and
7 policies are complied with, that customer and
8 business development is grown, and then also working
9 interdepartmentally with the other divisions from the
10 ports to other stevedoring to ensure that
11 everything's done safely and efficiently throughout
12 day-to-day operations.

13 Q. How many tugs does Carver Marine Towing
14 operate?

15 A. Eight of them are going to be US Coast
16 Guard inspected, and then we have two small, we call
17 them, fleeting tugs that are 26 feet or less. Those
18 are just based in the port to help support moving
19 barges around from one side of the dock to the other.

20 Q. Kind of like push boats?

21 A. Exactly.

22 Q. Are the duties you have today different
23 than the duties you had in June of 2024?

24 A. It's still the same.

25 Q. So I didn't hear you mention anything

BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025

2 **A. Yeah.**

3 Q. Do you know what his cell phone number
4 is?

5 **A. I don't, off the top of my head.**

6 Q. Do you guys use any other written
7 messaging systems like Signal or WhatsApp or --

8 **A. No.**

9 Q. -- those?

10 **A. No.**

11 Q. So if you're texting with him, you're
12 using the SMS system --

13 **A. Correct.**

14 Q. -- on your cell phone? Okay.

15 Does the company provide you with a cell
16 phone?

17 **A. It's my personal cell phone.**

18 Q. Do you still have the same cell phone
19 from June of 2024 that you have today?

20 **A. No. It's been upgraded to different**
21 **iPhones, just through the family plan.**

22 Q. So you have an iPhone?

23 **A. Yes.**

24 Q. Do you know what model?

25 **A. It's 15 Pro.**

BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025

2 menu, and then they would designate it from there.

3 Q. Okay.

4 A. But the tags could also just be a
5 reference to searchability within the system.

6 Q. Do employees ever get, I'll say,
7 reprimanded or disciplined in any way from messing
8 stuff up?

9 MR. RODGERS: Objection to form.

10 You can answer if you understand it.

11 A. Within Carver companies?

12 Q. Yeah, I'll rephrase.

15 A. There's a formal write-up within Carver
16 companies. I don't recall of any formal write-ups.
17 It would go through HR for write-ups and discipline
18 actions.

19 Q. So would somebody from HR be completely
20 responsible for that or would there be somebody at
21 the towing company that had to initiate it or sort of
22 spell out what the issue was?

23 A. Correct. It would be -- it would go
24 through us for that. It would be -- I say us; that's
25 Carver Marine Towing. But it could go through

BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025

2 somebody at Carver Marine Towing to initiate the
3 disciplinary action.

4 Q. And how do you get that process started?

5 Is there some form you have to fill out, or is it
6 just pick up the phone and call somebody in HR and
7 say hey, I need to do this?

8 A. It's as --

9 Q. How does it work?

10 A. -- simple as a phone call. It could be
11 e-mail. Because I've -- don't recall seeing any of
12 the Carver Marine Towing reports for disciplinary
13 action. It's all a Carver companies' form.

14 Q. Was Captain Morrissey disciplined for
15 damaging the South Carolina Port Authority dock in
16 January of 2024?

17 A. For that incident, no.

18 Q. Did anybody counsel him or...

19 A. We interviewed him and spoke to him
20 about the incidents, and we didn't deem it necessary
21 given the fact that the -- the way the departure was
22 with the winds and currents and the sets that he --
23 occurred; that it was a common -- not say it's a
24 common, but it's a probability that could happen, and
25 he really -- he was not directly disciplined for it.

BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025

2 A. Yes.

3 Q. -- Carver 000162.

4 During the course of your investigation,
5 did you learn whether there had been any kind of
6 failure of steering that caused the allision?

7 A. No, not to my knowledge that there was
8 any failure of it.

9 Q. Had there been any problems with the
10 auto pilot system on the MACKENZIE ROSE in the months
11 in 2024 preceding the allision on June 15th, 2024?

12 A. There were some instances where we --
13 that the crews noted deficiencies in the auto pilot
14 system. So dating back to, I don't know, late '23
15 that we started working on it and addressing it.

16 Then they were in -- they weren't
17 consistent, so -- and then when we replaced the
18 system in April, the whole -- I believe it was April,
19 that's when the inconsistencies started to go away,
20 and we didn't have any other issues with the auto
21 pilot since then.

22 Q. So when -- you said the auto pilot
23 system was replaced in April of 2024?

24 A. It started in -- I believe it started in
25 November with technicians, and then ended up in April

BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025

2 with some various techs to come aboard and to go
3 through the system to groom it up.

4 Q. And there were no problems with it
5 thereafter?

6 A. No, sir.

7 Q. Could you turn to the next section,
8 which is titled 9.5, Accident/Incident Reporting.

9 A. Right.

10 Q. And it begins with Carver 000163 through
11 Carver 000169.

12 Now, we looked at a report earlier which
13 was marked Exhibit 3.

14 A. Okay.

15 0. You still have that there --

16 A. Yes, sir.

17 Q. -- right?

22 A. Yes.

23 Q. Okay. So that report looks like it's
24 related to this section of the safety management
25 system on accident and incident reporting; is that

BRIAN MOORE

April 28, 2025

1

Moore - April 28, 2025

2 Q. It says The master may designate the
3 reporting to another person on the crew if it is not
4 practical for him/her to make the reports.

5 It doesn't say that the master may
6 designate the reporting to another person not in the
7 crew, correct?

8 **A. It does not say that.**

9 Q. Okay. So was the master of the
10 MACKENZIE ROSE the first person to notify
11 Mr. Baldassare?

12 **A. That, I don't know.**

13 Q. It is fair to say the master never
14 notified the Coast Guard of the allision with the
15 bridge, correct?

16 MR. RODGERS: Objection. You're talking
17 about on the day of?

18 MR. CHAPMAN: On the day of.

19 **A. Not to my knowledge.**

20 Q. Okay. So below that orange-ish box, it
21 looks like 46 CFR 4.03-1 regarding Marine Casualty or
22 Incident is reprinted verbatim, right?

23 **A. Yes, sir.**

24 MR. RODGERS: What is the doc -- the
25 Bates number?

BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025

2 system.

3 Q. Just so I'm clear, you're taking the
4 position that because it was only reported to you or
5 to Mr. Baldassare that the vessel allided with the
6 fendering system, that it wasn't required to report
7 that to the Coast Guard at that instant in time?

10 MR. CHAPMAN: I'm asking to understand
11 why the Coast Guard wasn't contacted --

12 MR. RODGERS: Okay. Coast Guard --

13 MR. CHAPMAN: -- in the context of this
14 regulation and --

15 MR. RODGERS: You don't know if the
16 Coast Guard was contacted or not because you
17 haven't deposed everybody. So you know, if you
18 want to argue with him, you're assuming a fact
19 not into evidence yet, as to who and when
20 Lieutenant Palomba was either called or who she
21 called, which has not been established yet by
22 actual knowledge.

23 A. But also on here it just says Allision
24 of a bridge that creates a hazard to navigation, the
25 environment or safety of the vessel -- creates a

BRIAN MOORE

April 28, 2025

1

Moore - April 28, 2025

2

Q. 46 CFR 4.05-1.

3 So in Section A, it says Immediately
4 after the addressing the resultant safety concerns,
5 the owner, agent, master, operator, or person in
6 charge shall notify the nearest sector office, marine
7 inspection office, or Coast Guard group office
8 wherever a vessel is involved in a marine casualty
9 consisting in section 1, an unintended grounding or
10 an unintended strike of (allision with) a bridge.

11

Do you see that?

12

A. Yes.

13

Q. Did anyone, to your knowledge, on behalf
14 of Carver or the vessel, notify any of those Coast
15 Guard operations immediately after addressing
16 resultant safety concerns from the --

17

MR. RODGERS: Same objection.

18

Q. -- from the allision on June 15th, 2024?

19

**A. I didn't notify any of these identified
20 groups, so I don't know who was --**

21

Q. And my question was a little broader
22 than that; if you know of anybody on behalf of Carver
23 that did that.

24

A. Not to my knowledge.

25

Q. Okay. Were there any resultant safety

BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025

2 Q. Who would buy it if the company didn't?

3 A. Purchasing. Oh, the captains or crews.

4 I've done that before in my past when I sailed.

5 Q. And would they be reimbursed for it?

6 A. If they submitted for it, they would,

7 but -- correction. If they submitted for it,

8 probably not because it's not a regular order, but

9 lots of guys carry their own personal notebooks for

10 their travels and their history.

11 Q. So on this logbook, it doesn't like say
12 Carver inside of it or on the cover or --

13 A. No, sir.

14 Q. It says Tug MACKENZIE ROSE on it or
15 something like that?

16 A. I don't know what that one would --
17 says. They usually just say red journal and it has
18 the date. 2024. 2025.

19 Q. Okay.

20 MR. CHAPMAN: Would you mark that as 24,
21 please.

22 (Exhibit 24, Ayers Marine Electronics
23 Documents, marked for identification, as of this
24 date.)

25 Q. This is -- you've been handed

BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025

2 Exhibit 24, Mr. Moore, which is two pages of what
3 look like either invoices or repair orders from Ayers
4 Marine Electronics in Chesapeake, Virginia,
5 pertaining to the MACKENZIE ROSE, numbered Carver
6 0000249 and 250.

7 You see that?

8 **A. Yes, sir.**

9 **Q. What do these represent?**

10 **A. These are some of the technician reports**
11 **to work on the auto pilot and some other items as**
12 **VHF -- such as VHF radios and a Nema expander, which**
13 **is utilized for syncing of equipments, either GPSS or**
14 **computers or VHFs. I don't know exactly what it's**
15 **for, but I've seen them before.**

16 **Q. On page 249, the first page of this**
17 **exhibit, there's a -- sort of a description of work**
18 **performed, and it says Tested and checked all auto**
19 **pilot connections. Found auto pilot back on, was at**
20 **120 ohms. I think that's ohms.**

21 **A. That looks like an ohms to me, yes.**

22 **Q. All right. So do you know what it's**
23 **supposed to be?**

24 **A. No, sir, I do not.**

25 **Q. Do you know whether 120 ohms is kind of**

BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025

2 causing issue.

3 Do you know what they did there?

4 **A. No, I do not know what a VPS battery
5 backup is.**

6 Q. Is a VPS battery backup associated with
7 the auto pilot?

8 **A. Correction. I believe it's a UPS --**

9 Q. UPS, okay.

10 **A. -- battery backup, and that is -- so if
11 you were to lose the main engines or generator, the
12 -- our battery backups would have -- allow you
13 technically 24 hours' navigation on certain pieces of
14 equipment.**

15 Q. Okay. And then some upper monitor not
16 working.

17 Is that the auto pilot monitor?

18 **A. Unlikely. That's most likely the Rose
19 Point monitor.**

20 Q. So it sounds like they're still doing
21 some work on the auto pilot, including updating
22 software and replacing some relays, right?

23 **A. Yes.**

24 Q. And is this the last work that Carver
25 knows was done on the auto pilot --

BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025

2 A. Yes, sir.

3 Q. -- before the allision with the bridge?

4 A. Yeah. To my knowledge, there was
5 no additional auto pilot work done before -- after
6 this -- sorry, correction -- and after the allision.

7 Q. Okay.

8 MR. CHAPMAN: So would you mark these as
9 25, please. Mark this as 25.

10 (Exhibit 25, GMT Mackay Marine Invoices,
11 marked for identification, as of this date.)

12 Q. You've been handed Exhibit 25. You
13 mentioned GMT Mackay as another repair company --

14 A. Yes, sir.

15 Q. -- on your marine electronics.

16 A. Yes, sir.

17 Q. All right. So Exhibit 25 consists of
18 three pages labeled Carver 000251, 252, and 821, just
19 because the way they were produced to us, but I
20 believe this is all of the ones that were produced.

21 So can you tell us what GMT Mackay was
22 doing on the MACKENZIE ROSE.

23 A. The vessel was down in New Orleans
24 getting ready to pick up some barges, and the -- it
25 looks like Lars, or sorry, Christian Nunnaman called

BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025
2 in a technician, GMT Mackay, and they flew down there
3 to get on the vessel to look at their auto pilot, and
4 then some other various items that they swapped out
5 as well, too.

6 Q. So looking at the first page of that, it
7 looks like the invoice is dated December 4th --
8 excuse me, December 5th --

9 A. Yes, sir.

10 Q. -- right?

11 And they removed some -- removed a
12 defective AP50 Simrad auto pilot system, right?

13 A. Yes.

14 Q. So -- and then they installed two new
15 ones, which looks like they have different series
16 numbers, AP70 MMK2, right?

17 A. Yes.

18 Q. So I guess that's the new and improved
19 version, right?

20 A. Yes, sir.

21 Q. And installing two, does that mean one
22 went in the wheelhouse and the other one went in the
23 upper house?

24 A. **Correct.**

25 Q. But they're basically identical auto

BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025

2 Q. Like every boat's different?

3 A. You -- I would have to look at it,
4 honestly. It would be -- it would be auto pilot to
5 full followup, and there's specific steps. You just
6 switch this off and switch that, but I don't know how
7 this one's set up.

8 Q. But there was no prohibition against the
9 captain using the auto pilot system for the transit
10 that they were making before they allided with the
11 bridge, right?

12 MR. RODGERS: Objection to form.

13 You can answer if you understand the
14 question.

15 A. Repeat the question.

16 Q. Yeah.

17 There was no prohibition -- Carver
18 didn't prohibit the captain from using the auto pilot
19 system in the transit that he was making, you know,
20 down the southern branch of the Elizabeth River
21 before the allision?

22 A. No. It's up to the captain's discretion
23 to make that judgment call.

24 Q. So on this invoice that we were just
25 looking at, March 5, 2024, page 252, it says Also the

BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025

2 identification, as of this date.)

3 Q. So Mr. Moore, I believe that this is the
4 daily log on February 28th that's marked as
5 Exhibit 29 that relates to the near miss report
6 marked Exhibit 28.

10 Do you see that?

11 A. Yes, sir.

12 MR. RODGERS: Well, I don't -- oh,
13 sorry.

14 Q. And then if you look on Exhibit 28,
15 you'll see at the top it says Filled, February 28,
16 2024 at 0700 hours, right?

17 A. Yes, sir.

18 Q. So it appears those two correlate,
19 right?

20 A. It appears that way.

21 MR. RODGERS: Which exhibits correlate?

22 MS. WERNER: What is the Bates for
23 Exhibit 29, please?

24 MR. CHAPMAN: 25 and 26, I think. Yeah,
25 25 and 26.

BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025

2 Q. This is a two-page exhibit marked Carver
3 000039 and 40 and appears to be another near miss
4 report, correct?

5 A. Yes, sir.

6 Q. That was -- appears to have been
7 received and approved by you on April 19th, 2024?

8 A. Yes.

9 Q. And it references the loss of satellite
10 compass?

11 A. Yes.

12 Q. What do you understand that to mean?
13 Did it like fall overboard or --

14 A. I would -- it could be loss of a signal
15 from a satellite compass.

16 Q. Okay. Or that it failed, it went bad or
17 something like that?

18 A. Yeah, it could be multiple things.

19 Q. Is that important in navigation?

20 A. It --

21 MR. RODGERS: Objection. He's not here
22 as an expert.

23 A. You can still navigate the vessel
24 without a satellite compass.

25 0. So yeah. Under the Section 1.5

BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025

2 MR. RODGERS: I guess if we have time
3 to.

4 Q. If, in fact, this entry on April 1 in
5 the daily log of a near miss report is, in fact, the
6 one that is being approved on April 19th by you, it
7 could well be that the Ayers Marine people came in
8 and looked at this on April 3rd, April 4th,
9 April 10th, April 11th, right?

10 A. **It's possible.**

11 Q. Okay. So that's -- is that what you're
12 referring to in Section 2.5 of Exhibit 30?

13 A. **I don't know exactly, but once Ayers,
14 the technician, signs off on it, I would have then
15 gone in later and approved it and wrote that as a
16 note in there.**

17 Q. Okay.

18 MR. CHAPMAN: Would you mark this as 32,
19 please.

20 (Exhibit 32, Training Records, marked
21 for identification, as of this date.)

22 Q. Mr. Moore, you've been handed
23 Exhibit 32, which consists of Carver 000851 through
24 885 --

25 A. **Yes, sir.**

BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025

2 sort of thing --

3 **A. Yes, sir.**

4 Q. -- right?

5 And is that monitored or kind of
6 supervised in some way?

7 A. I don't have the knowledge on that one,
8 how it would be monitored.

9 Q. Do you have any input into it or have
10 any oversight on it?

11 A. I've never gotten any calls, e-mails, or
12 any purpose to utilize that from any deckhand or crew
13 members or anybody. So HR would have the best
14 insight on that.

15 Q. So it might have happened, and it went
16 through HR or something and you weren't dialed into
17 it?

18 A. It is possible.

19 Q. For these new hires, are there any
20 testing that's done to, you know, ensure that they
21 know how to perform the duties on the tug before
22 they're allowed to serve?

23 A. Before there is the -- I would have the
24 right -- I don't know off the top of my head. It's
25 in the SMS, but there are forms for crew members to

BRIAN MOORE

April 28, 2025

1 Moore - April 28, 2025

2 get signed off on assessments.

3 0. Who does the assessment?

4 A. A senior captain or a -- some sort of
5 the port captain role.

6 Q. And is lookout training part of that
7 process?

8 A. Not that I'm aware of.

9 Q. Is bridge transiting part of that
10 process?

11 A. Not that I'm aware of.

12 Q. During the investigation you did before
13 submitting the report to the Coast Guard, did you
14 determine that the auto pilot system was actually
15 engaged during the transit that led to the allision?

16 A. I didn't -- I couldn't identify it, if
17 it was actually engaged or not. I don't know if
18 there's a report that auto pilot system produces or
19 not.

20 Q. You just know what Captain Morrissey
21 told you?

22 A. Yes, sir.

23 Q. Or what Captain Morrissey said, whether
24 it was to you or others --

25 A. Yes, sir.

BRIAN MOORE

April 28, 2025

1

Moore - April 28, 2025

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MR. RODGERS: All right. Sorry. I

3

don't want to put anything out there.

4 Q. Does safely transiting under bridges

5 require any specific training beyond general vessel

6 handling?

7

A. No, sir.

8

Q. So anyone that can handle a vessel

9 shouldn't have any problem getting a vessel under a

10 bridge?

11

A. It all depends on the size of the bridge

12 **opening, but there's -- it's a common -- it's very**

13 **common in the industry, so it's not an**

14 **abnormal event.**

15

Q. Are you aware of any industry or best

16 practices that recommend posting additional lookouts

17 when transiting under bridges?

18

A. No, sir, I'm not.

19

Q. Is it consistent with good seamanship to

20 rely on an auto pilot while approaching a bridge?

21

MR. RODGERS: Objection. He's not here

22 as an expert witness.

23

A. It's up to the offshore and the watch

24 and their judgment.

25

Q. In your experience -- just talking about